

OCT. 10. 2006 1:52PM

LNAPW 512-439-7199

NO. 9240 P. 1

# LARSON & NEWMAN

Intellectual Property Law

5914 West Courtyard Drive, Suite 200  
Austin, TX 78730  
Phone: 512-439-7100  
Fax: 512-439-7199

RECEIVED  
CENTRAL FAX CENTER

OCT 10 2006

## FACSIMILE COVER SHEET

DATE: October 10, 2006  
TO: Examiner John MANNING FAX NO.: 571-273-8300  
USPTO GPAU 2623  
FROM: Adam D. Sheehan  
Reg. No. 42,146  
RE: **REPLY TO FINAL OFFICE ACTION**

U.S. APP NO.: 10/039,436  
FILING DATE: November 9, 2001  
APPLICANT(S): Blair B.A. BIRMINGHAM  
ATTY DKT NO.: ATI.0100690 (1376-0100690)  
TITLE: SYSTEM AND METHOD FOR GENERATING USER-SPECIFIC  
TELEVISION CONTENT BASED ON CLOSED CAPTIONING  
CONTENT  
NO. OF PAGES (INCL. COVER SHEET): 6

### Attached please find:

- ☒ PTO/SB/21 Transmittal Form (1 pg)
- ☒ Reply to Final Office Action (4 pgs)

### CONFIDENTIALITY NOTE

LARSON  
NEWMAN  
ABEL  
POLANSKY &  
WHITE, LLP

The pages accompanying this facsimile transmission contain information from the law office of Larson Newman Abel Polansky & White, LLP, and are confidential and privileged. The information is intended to be used by the individual(s) or entity(ies) named on this cover sheet only. If you are not the intended recipient be aware that reading disclosing copying distribution or use of the contents of this transmission is prohibited. Please notify us immediately if you have received this transmission in error at the number listed above and return the document to us via regular mail.

OCT 10 2006


PTO/SB/21 (09-04)

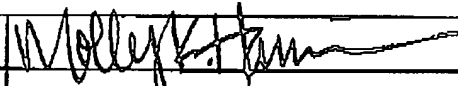
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/039,436	
	Filing Date	November 9, 2001	
	First Named Inventor	Blair B.A. BIRMINGHAM	
	Art Unit	2623	
	Examiner Name	John MANNING	
Total Number of Pages in This Submission	5	Attorney Docket Number	ATT.0100690 (1376-0100690)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <div style="text-align: center; font-size: 1.2em; margin-top: 10px;">CUSTOMER NO.: 34456</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LARSON NEWMAN ABEL POLANSKY & WHITE, LLP		
Signature			
Printed name	Adam D. Sheehan		
Date	October 10, 2006	Reg. No.	42,146

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Molly K. Harrison	Date	October 10, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

OCT. 10. 2006 1:52PM

LNAPW 512-439-7199

RECEIVED  
CENTRAL FAX CENTER

NO. 9240 P. 3

OCT 10 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Blair B.A. BIRMINGHAM

Title: SYSTEM AND METHOD FOR GENERATING USER-SPECIFIC  
TELEVISION CONTENT BASED ON CLOSED CAPTIONING  
CONTENT

App. No.: 10/039,436 Filed: November 9, 2001

Examiner: John MANNING Group Art Unit: 2623

Customer No.: 34456 Confirmation No.: 8984

Atty. Dkt. No.: ATL0100690 (1376-0100690)

---

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

In response to the Final Office Action mailed August 10, 2006, the Applicant respectfully requests favorable reconsideration of the above-identified patent application in view of the following remarks, which are believed to place the above-identified patent application in condition for allowance or in better form for consideration on appeal.

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>October 10, 2006</u>	
<u>Molly K. Harrison</u> Typed or Printed Name	<u>Molly K. Harrison</u> Signature